



September 27, 1999

Mr. Charles Karakashian, Jr.
Assistant General Counsel
Texas Department of Public Safety
P. O. Box 4087
Austin, Texas 78773-0001

OR99-2707

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128959.

The Department of Public Safety (the "department") received a request for information relating to a "covert report filed against" the requestor. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor
that deals with the detection, investigation, or prosecution of crime . . .
if:

(1) release of the information would interfere with the
detection, investigation, or prosecution of crime[.]

You advise that the information at issue was produced by the department in carrying out its duties under chapter 548 of the Transportation Code to certify vehicle inspection stations, and that based on such information criminal charges have been filed and are still pending in a Harris County Justice of the Peace Court. Based on your representations, we conclude that you may generally withhold the requested information under section 552.108(a)(1).

Please note that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). You

must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Except for "basic information," which must be released, you may withhold the requested information under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 128959

Encl. Submitted documents

cc: Mr. Steven R. Susman
Rex's Bay Area Auto Service
501 El Dorado Boulevard
Webster, Texas 77598
(w/o enclosures)